

Message Text

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ACTION EUR-25

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TO SECSTATE WASHDC PRIORITY 8245

INFO AMEMBASSY BONN

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C O N F I D E N T I A L MADRID 1369

E.O. 11652 GDS

TAGS: PINT, PFOR, SP

SUBJECT: DEATH SENTENCE OF CONVICTED ANARCHIST MAY BE CARRIED
OUT IMMINENTLY

1. SUMMARY. THE CASE INVOLVING THE DEATH SENTENCE OF ANARCHIST SALVADOR PUIG ANTICH FOR KILLING A POLICEMAN IN A SHOOTOUT ON SEPT 28, 1973, WHILE BEING ARRESTED FOR HIS EARLIER PARTICIPATION IN A BARCELONA BANK ROBBERY IN MARCH OF 1973 REPORTEDLY

MAY LEAD TO HIS EXECUTION DURING THE NEXT FEW DAYS. END SUMMARY.

2. PUIG ANTICH, A MEMBER OF THE SMALL ANARCHIST M.I. L. (MOVIMIENTO IBERICO DE LIBERACION), WAS CONDEMNED TO DEATH LAST MONTH BY MILITARY COURT FOR HAVING KILLED POLICEMAN WHEREUPON THE SENTENCE WAS CONFIRMED BY THE CAPTAIN GENERAL OF THE REGION, AND THEN PASSED TO THE SUPREME COURT OF MILITARY JUSTICE. THE LATTER BODY LAST WEEK UPHELD THE DEATH SENTENCE FOR PUIG ANTICH. THE CASE WAS THEN SENT TO THE GOVERNMENT, FOR EITHER CONFIRMATION OR COMMUTATION, WHERE THEMATTER REMAINS.

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3. THE GOVERNMENT ALSO RECENTLY MADE ANTICH CASE A "RESERVED

MATTER", THUS PROHIBITING ANY FURTHER MENTION OF THE CASE IN THE SPANISH PRESS.

4. ACCORDING TO SOME SOURCES, THE GOVERNMENT MAY ALREADY, AT LAST WEEK'S CABINET MEETING, HAVE APPROVED THE CARRYING OUT OF THE DEATH SENTENCE, BUT WILL NOT ANNOUNCE IT UNTIL AFTER THE MARCH 1 CABINET MEETING, MOST PROBABLY ON SATURDAY OR SUNDAY.

5. ONCE THE GOVERNMENT OFFICIALLY ANNOUNCES ITS DECISION, THEN THE DEATH SENTENCE REPORTEDLY MUST BE CARRIED OUT WITHIN 12 HOURS, UNLESS THE CHIEF OF STATE INTERVENES TO COMMUTE THE SENTENCE.

6. THERE IS SOME CONFUSION ABOUT THE ACTUAL TIMING OF THE EXECUTION, IF IT TAKES PLACE, AND AS TO WHEN THE 12 HOURS BEGINS. ONE LAWYER TOLD EMBOFF TODAY THAT HE UNDERSTOOD PREPARATIONS TO CARRY OUT THE EXECUTION MAY HAVE ALREADY BEEN MADE FOR MONDAY MORNING, MARCH 4, AT 8:00 A.M.

7. IF EXECUTED, PUIG ANTICH'S WOULD BE THE FIRST EXECUTION IN SPAIN SINCE 1963, WHEN CIVIL WAR COMMUNIST, JULIAN GRIMAU GARCIA, WAS EXECUTED. THERE IS SPECULATION THAT GENERAL FRANCO MAY INTERVENE AFTER THE GOVERNMENT UPHOLDS THE DEATH SENTENCE IN ORDER TO COMMUTE THE SENTENCE. HOWEVER, IN RECENT DAYS, INDICATIONS HAVE GENERALLY BEEN TO THE CONTRARY AND IT IS WIDELY BELIEVED THAT THE DEATH SENTENCE MAY ACTUALLY BE CARRIED OUT.

8. THE GOVERNMENT'S SENSITIVITY RE THIS CASE IS EVIDENCED BY ITS MAKING THE CASE A "RESERVED MATTER".

9. AN INCIDENT ON FEBRUARY 27 IN THE CORTES REVEALED THE PRE-VAILING SENTIMENT IN THAT BODY IN FAVOR OF CARRYING OUT THE DEATH SENTENCE, WHEN FAMILY CORTES MEMBER ESPERABE, IN A MEETING OF THE CORTES AGRICULTURE COMMITTEE, STOOD UP AND PUBLICLY MADE AN APPEAL FOR CLEMENCY WHICH HE SAID WAS DICTATED BY HIS CONSCIENCE, ONLY TO BE SHOUTED DOWN NEARLY UNANIMOUSLY BY OTHER CORTES MEMBERS PRESENT AMID ACCUSATIONS HE WAS A TRAITOR.

10. IF PUIG ANTICH IS EXECUTED, IT COULD PROVOKE WIDESPREAD CRITICISM AND PROTEST ACTIVITY ABROAD AND, TO A MUCH CONFIDENTIAL

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MORE LIMITED EXTENT, WITHIN SPAIN. IT WILL ALSO CONTRIBUTE TO TARNISHING THE IMAGE OF SPAIN'S NEW GOVERNMENT AND PARTIALLY NEGATE THE POSITIVE RESPONSE IN WORLD OPINION TO THE RECENT PROGRAMMATIC SPEECH NEW PRESIDENT ARIAS NAVARRO TO THE CORTES ONLY TWO WEEKS AGO.

11. IN ADDITION TO PUIG ANTICH'S CASE, THERE IS ALSO PENDING BEFORE THE GOVERNMENT A DEATH SENTENCE PASSED BY A COURT MARTIAL

IN TARRAGONA ON A POLISH SEAMAN WHO ACCIDENTALLY KILLED A POLICE-MAN LAST SUMMER IN A BAR BRAWL. THIS CASE IS ALSO A "RESERVED MATTER" ABOUT WHICH THE PRESS CANNOT COMMENT, ALTHOUGH IT APPEARS LESS LIKELY THAT THE POLE WOULD BE EXECUTED.

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